

No. 5:08-CV-248-D(3)

Plaintiff,


v.

Defendant.

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The court has reviewed the M&R, the record, and the briefs. The court is satisfied that there is no clear error on the face of the record. Plaintiff's motion for judgment on the pleadings is GRANTED, defendant's motion for judgment on the pleadings is DENIED, and the action is REVERSED and REMANDED to the Commissioner.

SO ORDERED. This 16 day of January 2009.

  
JAMES C. DEVER III  
United States District Judge